

APPEAL NO. 041116  
FILED JULY 2, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 27, 2004. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) has disability resulting from an injury sustained on \_\_\_\_\_, from August 6, 2003, through the date of the CCH. The appellant (carrier) appealed, asserting that the great weight and preponderance of the evidence is against the hearing officer's factual determinations and urges reversal. The appeal file did not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The sole issue before the hearing officer was whether the claimant has disability resulting from that injury for any period after August 5, 2003. The claimant had the burden to prove that she had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. A claimant's testimony alone may establish that disability has resulted from the compensable injury. Gee v. Liberty Mut. Fire Ins. Co., 765 S.W.2d 394 (Tex. 1989). The hearing officer was persuaded that the claimant met her burden of proof on the disputed issue and noted that the claimant was credible. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination on the appealed issue of disability is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W. 2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLY-GRAY, PRESIDENT  
6907 CAPITOL OF TEXAS HIGHWAY NORTH  
AUSTIN, TEXAS 78755.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Edward Vilano  
Appeals Judge